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10/777,038

02/13/2004

Noboru Mawatari

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EXAMINER

NGUYEN, THUY-VI THI

ART UNIT

PAPER NUMBER

3629

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/777,038	<b>Applicant(s)</b> MAWATARI, NOBORU	
	<b>Examiner</b> THUY-VI NGUYEN	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02-13-04</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The Information Disclosure Statement filed on 13 Feb 2004 has been considered. An initiated copy of the Form 1449 is enclosed herewith.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: "the predetermined rent-a-car return position information" for step (C) should be predetermined rent-a-car return position information". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 1** is rejected because lack of antecedent and basic for "the time of the return schedule (step A); for "a rent-a-car" and "the return place" (step C); for "the present time" and "the rent-a-car terminal" (step D). Appropriate correction is required in the indicated claim and any subsequence claims.

Furthermore, the subsequences' **claim 4** is reject because lack of antecedent and basic for "the judgment item information" (step A), for "the course information" step (B) and **claim 6** for "the screen information" (step B). Appropriate action is required.

**Claim 7** is reject because lack of antecedent and basic for "the time of the return schedule day" (step A); for "a rental car", "the return place", "the predetermine rent-a-car return position information" (step D); and for "the rent-a-car terminal" (step F). Appropriate correction is required in the indicated claim and any subsequence claims.

Furthermore, the subsequences' **claim 10** is reject because lack of antecedent and basic for "the judgment item information" (step A), for "the course information" step (B) and **claim 12** for "the screen information" (step B). Appropriate action is required.

### ***Claim Rejections - 35 USC § 103***

**6.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yui et al. (**US 2002/0174077**) in view of Sakamoto (**US 6,839,630**). Herein after as Yui and Sakamoto respectively.

**Regarding claim 1**, Yui et al disclose a computer-readable medium encoded with a computer program for managing rent-a-car when executed by computer, said computer program comprising the steps of:

reading rent-a-car record from a storage unit which stores a rent-a-car identification number and in association with the time of the return schedule as the rent-a-car record [...recording the member's information in the management database (214); time the car is lent and is returned to; par. 0002; par. 0244; par. 0245, lines 1-5; figures 3 and 10];

obtaining present position information of the rental car corresponding to the rental car identification number in the rental car record [...positional information measuring section (212) analyzes the current positional information received from each car; pars. 0240-0241; figures 3 and 10 (steps 505, 703)];

calculating return travel time required for a rent-a-car to travel to the return place, based on a predetermined rent-a-car return position information and the present position information of the rental car [...measuring possible time to determined whether that bicycle or car is returned to specific location; see par. 0133-0134; par. 0283 and figure 7]; and

sending return time limit information to the rent-a-car terminal, when the remaining time becomes a predetermined amount with respect to said return travel time

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[...car controller section (31) sent information indicating the mileage and the driving time to operating company (the rental agency /rent-a car terminal) to calculate the fee, and the rental agency as a reminder to notify the member that the fee balance in a virtual currency card (predetermine amount ) as a remaining time is insufficient; par. 0259-0261; par. 0267 and figures 10-12];

However Yui does not teach calculating remaining time until return schedule time from the present time;

Sakamoto discloses calculating remaining time until return schedule time from the present time [...calculate the remaining time to be required for arriving at the destination; col. 18, lines 7-10];

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify the teaching of Yui about the car rental system by indicating the current position information of a car-rental and determining the returning travel time to include the calculation remaining travel time, as taught by Sakamoto in order provide a better car rental services by increasing the efficiency in allocating/ tracking car-rental system.

**Regarding claim 2**, Yui discloses predetermined amount is such that the remaining time minus said return travel time is equal to a predetermined allowance time [...balance of the virtual currency is a remaining time that is subtract from the first balance; par. 0269].

**Regarding claim 3**, Yui discloses wherein said predetermined amount is such that said remaining time is equal to said return travel time [par. 0269].

**Regarding claim 4**, Yui discloses the step of sending return time limit information to the rent-a-car terminal further comprising the steps of:

sending the judgment item information on whether the rental period is to be extended to the rent-a-car terminal car [... controller section (31) sent information indicating the mileage and the driving time to operating company (the rental agency /rent-a car terminal); operating company then determines the fee and also notify the renter about the extension base on his/her insufficient balance in the virtual currency; par. 0259-0261 and figure 12;];

calculating the course information to the return place based on the present position information and return position information of the rental car and sending the course information to the rent-a-car terminal when the information that extension of the rental period is not requested is received [... operating company (the rental agency /rent-a car terminal) to calculate the fee and as a reminder, the operating company notifies the member that the fee balance in a virtual currency card (predetermine amount ) as a remaining time is insufficient; par. 0259-0261 and figures 10-12];

**Regarding claim 5**, Yui discloses the step of sending return time limit information to the rent-a-car terminal further comprising the steps of:

sending the judgment item information on whether the rental period is to be extended to the rent-a-car terminal [... controller section (31) sent information indicating the mileage and the driving time to operating company (the rental agency /rent-a car terminal); operating company then determines the fee and also notify the renter about

the extension base on his/her insufficient balance in the virtual currency; par. 0259-0261 and figure 12];

sending the information of the item for inputting extended time when the information that extension of the rental period is requested is received [...rental period is to be extended by receiving the payment intention from the driver's of the rent-a-car terminal; par. 0263; figure 12]; and

processing the rental extension for the rental car based on the extended time information received from the rent-a-car terminal [...update the balance after receiving the payment intention for extended time; par. 0264, par. 0268].

**Regarding claim 6**, Yui discloses the step of processing the rental extension for the rental car further comprising the steps of:

reading next reservation information for the current rental car from the storage unit when the information that extension of the rental period is requested is received [...receiving payment intention from the current rental for the next reservation; par. 0268]; and

sending the screen information for type-of-a-car change to a subscriber's terminal when there is next reservation [...GPS allows the operating company to always accurately manage current positions of all rent-a-cars and to secure many return locations for cars is next reservation; see par. 0274, par. 0276].

**Regarding to claim 7**, Yui discloses a rent-a-car managing apparatus, comprising:



a storage unit which stores a rent-a-car identification number and the time of the return scheduled day, and was made to memorize as a rent-a-car record [...management DB (214); par. 0243 and figure 3];

a means for reading rent-a-car record from a storage unit which stores a rent-a-car identification number and in association with the time of the return schedule as the rent-a-car record [...recording the member's information in the management database (214); time the car is lent and is returned to; par. 0002; par. 0244; par. 0245, lines 1-5; figures 3 and 10];

a means for obtaining present position information of the rental car corresponding to the rental car identification number in the rental car record [...positional information measuring section (212) analyzes the current positional information received from each car; pars. 0240-0241; figures 3 and 10 (steps 505, 703)];

a means for calculating return travel time required for a rental car to travel to the return place, based on the predetermined rent-a-car return position information and the present position information of the rental car [.. measuring possible time to determined whether that bicycle or car is returned to specific location; see par. 0133-0134; par. 0283 and figure 7];

a means for sending return time limit information to the rent-a-car terminal, when the remaining time becomes a predetermined amount with respect to said return travel time [...car controller section (31) sent information indicating the mileage and the driving time to operating company (the rental agency /rent-a car terminal) to calculate the fee, and the rental agency as a reminder to notify the member that the fee balance in a

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virtual currency card (predetermine amount ) as a remaining time is insufficient; par. 0259-0261; par. 0267 and figures 10-12];

However Yui does not teach calculating remaining time until return schedule time from the present time;

Sakamoto discloses calculating remaining time until return schedule time from the present time [...calculate the remaining time to be required for arriving at the destination; col. 18, lines 7-10];

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify the teaching of Yui about the car rental system by indicating the current position information of a car-rental and determining the returning travel time to include the calculation remaining travel time, as taught by Sakamoto in order provide a better car rental services by increasing the efficiency in allocating/ tracking car-rental system.

**Regarding claim 8**, Yui discloses predetermined amount is such that the remaining time minus said return travel time is equal to a predetermined allowance time [...balance of the virtual currency is a remaining time that is subtract from the first balance; par. 0269].

**Regarding claim 9** Yui discloses predetermined amount is such that said remaining time is equal to said return travel time [par. 0269].

**Regarding claim 10**, Yui discloses sending return time limit information to the rent-a-car terminal further comprising:

a means for sending the judgment item information on whether the rental period is to be extended to the rent-a- car terminal [... controller section (31) sent information indicating the mileage and the driving time to operating company (the rental agency /rent-a car terminal); operating company then determines the fee and also notify the renter about the extension base on his/her insufficient balance in the virtual currency; par. 0259-0261 and figure 12]; and

a means for calculating the course information to the return place based on the present position information and return position information of the rental car and sending the course information to the rent-a-car terminal when the information that extension of the rental period is not requested is received [... operating company (the rental agency /rent-a car terminal) to calculate the fee and as a reminder, the operating company notifies the member that the fee balance in a virtual currency card (predetermine amount ) as a remaining time is insufficient; par. 0259-0261 and figures 10-12].

**Regarding claim 11**, Yui discloses the means for sending return term information to the rent-a-car terminal further comprising:

a means for sending the judgment item information on whether the rental period is to be extended to the rent-a- car terminal [... controller section (31) sent information indicating the mileage and the driving time to operating company (the rental agency /rent-a car terminal); operating company then determines the fee and also notify the renter about the extension base on his/her insufficient balance in the virtual currency; par. 0259-0261 and figure 12];

a means for sending the information of the item for inputting extended time when the information that extension of the rental period is requested is received [...rental period is to be extended by receiving the payment intention from the driver's of the rent-a-car terminal; par. 0263; figure 12]; and

a means for processing the rental extension for the rental car based on the extended time information received from the rent-a-car terminal [...update the balance after receiving the payment intention for extended time; par. 0264, par. 0268].

**Regarding claim 12**, Yui discloses the means for processing the rental extension for the rental car further comprising:

a storage unit on which next reservation information for the rental car was stored [...receiving payment intention from the current rental for the next reservation; par. 0268 and figure 3];

a means for reading next reservation information for the current rental car from the storage unit when the information that extension of the rental period is requested is received [...receiving payment intention from the current rental for the next reservation; par. 0268]; and

a means for sending the screen information for type-of-a- car change to a subscriber's terminal when there is next reservation [...GPS allows the operating company to always accurately manage current positions of all rent-a-cars and to secure many return locations for cars is next reservation; see par. 0274, par. 0276].

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
9. The US patents to Marlatt et al. disclose a communication between fleet vehicle and computing system for the driver specific information, and to Murakami et al. disclose system and method involving reserving vehicles with highest states of charge. The Patent Application Publication to Sendouda discloses a car rental system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thuy-Vi Nguyen/

Examiner, Art Unit 3629

/John G. Weiss/

Supervisory Patent Examiner, Art Unit 3629